IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 489 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UPEN HARIVADAN DIWANJI

Versus

HARSH CONSTRUCTION

Appearance:

1. Appeal from Order No. 489 of 2001

MR TUSHAR MEHTA for Appellant No.

MR HM PARIKH for Respondent No. 1-2

MR NIRAV C THAKKAR for Respondent No. 1,2

RULE NOT RECD BACK for Respondent No. 1,2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 03/11/2001 passed below application exh.5 by the learned Civil Judge (S.D.), Nadiad in Special Civil Suit No.153 of 2001,

whereby the said application was allowed.

2. This Court by order dated 19/02/2002 passed in Civil Application No.12917 of 2001 had granted interim relief by staying the operation of the impugned order till the final disposal of the appeal. Now, as interim relief is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit, if the same is not already disposed of, while continuing the interim relief granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.153 of 2001 pending before the Court of the learned Civil Judge (S.D.), Nadiad and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order, if the same is not already disposed of.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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